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In re Application of  
Danenbergs, et al. :  
Application No. 10/616,203 :  
Filed: July 8, 2003 :  
Attorney Docket No. 7000613003 :

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**JAN 29 2004**

**OFFICE OF PETITIONS**

**DECISION GRANTING PETITION**

This is a decision on the petition filed December 22, 2003, (certificate of mailing dated December 16, 2003) to accord the above-identified application a filing date of June 18, 2002.

On July 8, 2003, the application was deposited.

On October 16, 2003, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

In response, the present petition alleges that the drawings were not "necessary for the understanding of the subject matter sought to be patented" within the meaning of 35 USC 113.

The Office has determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).<sup>1</sup> A review of the record reveals that claims 1 through 17 are method claims. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

In view of the above, the petition is **granted**.

Deposit account 50-2518 will be refunded the petition fee of \$130.00.

The amendment, filed December 22, 2003, is noted and made of record.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 8, 2003, using the application papers filed on July 8, 2003. Thereafter, the application will be forwarded to the appropriate technology center for further processing.

<sup>1</sup>MPEP 601.01(f).

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010.

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